

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 23-4705

UNITED STATES OF AMERICA

v.

CARLOS ALSTON

**Unopposed Motion of the
United States for Leave to File
Opening Brief and Joint
Appendix One Day Out of Time**

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby moves the Court for leave to file its opening brief and joint appendix one day out of time, and shows unto the Court the following:

1. The undersigned Assistant United States Attorney (AUSA) was assigned the responsibility of preparing the government's opening brief and joint appendix, which was due to the Court yesterday, March 6, 2024.

2. Our office has been working diligently to prepare the government's response brief and have it approved for filing. We expected and intended to file the brief yesterday. However, this brief has a much greater number of citations (and more unusual citations) than normal, and we underestimated the amount of time it would take to prepare tables and finalize the brief and joint appendix. While we expected to finish the brief last night, technical issues and the need to ensure the brief was accurate prevented us from completing it on time. We apologize for the delay.

3. This request is not made for the purpose of delay, but to ensure a complete and accurate opening brief.

4. Defense counsel does not oppose the requested extension.

WHEREFORE, the United States respectfully requests leave to file its opening brief and joint appendix one day out of time.

Respectfully submitted this 7th day of March, 2024.

MICHAEL F. EASLEY, JR.
United States Attorney

By: /s/ Sarah E. Nokes
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CERTIFICATE OF COMPLIANCE

1. Pursuant to Rule 32(g) of the Federal Rules of Appellate Procedure, I hereby certify that this document meets the type-volume limits of Rules 27(d), 35(b)(2), and/or 40(b) because, exclusive of the portions of the document exempted by Rule 32(f), this document contains 221 words.

(Filings are not to exceed 5,200 words for a motion or response and 2,600 words for a reply, pursuant to Rule 27(d), or 3,900 words for a petition for panel rehearing or rehearing en banc, pursuant to Rules 35(b)(2) and/or 40(b)).

2. Further, this document complies with the typeface requirements of Rule 32(a)(5) and the type-style requirements of Rule 32(a)(6) because it has been prepared in Microsoft Word 2016 using fourteen-point *Calisto MT*, a proportional-width typeface.

/s/ Sarah E. Nokes

SARAH E. NOKES

Assistant United States Attorney